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SEP 22 2008

OFFICE OF PETITIONS

In re Application of :
Smith, et al. : DECISION ON PETITION
Application No. 10/562,525 :
Filed: December 27, 2005 :
For: FENCING INCLUDING VISIBLE :
BAND :

This decision is in response to the renewed petition under 37 CFR 1.137(a), filed August 4, 2008, to revive the above-identified application.

The petition is **DISMISSED WITHOUT PREJUDICE.**

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is not a final agency decision.

The provisions of 37 CFR 1.33(b) state that "[a]mendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by: (1) A patent practitioner of record appointed in compliance with § 1.32(b); (2) A patent practitioner not of record who acts in a representative capacity under the provisions of § 1.34; (3) An assignee as provided for under § 3.71(b) of this chapter; or (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

The instant petition and accompanying reply are not signed by both inventors in accordance with 37 CFR 1.33(b)(4). Accordingly, the petition has not been reviewed on the merits.

The renewed petition herein is signed by Michael Alexander Smith. See, Petition Page 2. It is noted that the statement (Petition Page 4) concerning the showing of circumstances regarding the nature of the delay has been signed by each inventor. However, the petition itself is required to be signed by all applicants to the application.

It is not apparent that applicants are familiar with USPTO rules, regulations, and petition procedures. Thus, applicants may wish to consult a registered patent attorney or agent with respect to the revival of the instant application.

The USPTO cannot recommend any particular attorney or agent, or aid in the selection of an attorney or agent. A list of Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office may be purchased on DVD-ROM from the USPTO's Office of Electronic Information Products (571-272-5600). The DVD-ROM is also available on the USPTO web site (<http://www.uspto.gov>) from the "Products and Services Catalog".

To obtain a list of registered patent attorneys and agents for a particular area, customers may either contact a customer service representative through the USPTO Contact Center (see "In General" above), or acquire the information from the USPTO web site. The attorneys and agents list may be examined without charge at Patent and Trademark Depository Libraries (PTDLs) and at many other libraries throughout the U.S. Many large cities also have associations of patent attorneys and agents which may be consulted.

Any renewed petition and accompanying reply must be properly executed in accordance with 37 CFR 1.33 prior to treatment on the merits of the petition.

The request to change of correspondence address, which has been properly executed by both applicants, has been entered into the record.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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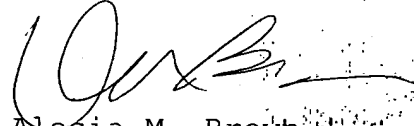
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Telephone inquiries concerning this matter may be directed to
the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions